

Currently before the Court is the Report and Recommendation of United States Magistrate Judge David D. Noce, to whom this matter was referred for recommended disposition pursuant to 28 U.S.C. § 636(b). On October 29, 2013, Magistrate Judge Noce filed his Report and Recommendation, recommending that the Court reverse the decision of the Administrative Law Judge to deny Plaintiff disability insurance benefits under Title II and supplemental security income under Title XVI of the Social Security Act and remand the case for further proceedings in accordance with Sentence 4 of 42 U.S.C. § 405(g). The Commissioner has not objected to the Report and Recommendation and the time to do so has expired. Plaintiff filed an affirmative statement of non-objection to the Report and Recommendation.

Upon careful consideration of the Report and Recommendation and the record in this case, the Court concurs with the recommendation of the Magistrate Judge that the Administrative Law Judge's decision in this matter should be reversed and remanded.

Accordingly,

**IT IS HEREBY ORDERED** that the Report and Recommendation of the United States Magistrate Judge is **SUSTAINED, ADOPTED, and INCORPORATED** herein.

**IT IS FURTHER ORDERED** that the decision of the Commissioner denying Plaintiff's application for disability insurance benefits under Title II and supplemental security income under Title XVI of the Social Security Act is **REVERSED and REMANDED** in accordance with Sentence 4 of 42 U.S.C. § 405(g).

A separate Judgment shall accompany this Memorandum and Order.

  
AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE

Dated this 18<sup>th</sup> day of November, 2013.